

DRAFT

Memorandum

Date: December 4, 1997

To: Transfers Agency Group

From: Michael G. Heaton

Subject: Proposed Process for Transfer Agency Group

At the second BDAC Water Transfer Work Group (Work Group) meeting on September 17, 1997, a number of participants stated an interest in working with the Transfers Agency Group (TAG) on the technical and operational water transfer issues. The idea is that the TAG, with stakeholder perspective and expertise, should develop explanations of the various issues and offer a possible set of solution options. These will then be presented to the Work Group for further discussion and policy advice to CALFED on the development of the CALFED water transfer policy framework.

We have sorted the water transfer issues generally into policy and technical issues. Two major policy issues, third party impacts and groundwater protection, have been identified for discussion at the Work Group. At the same time, TAG will address those issues which are more technical or operational in nature and which cannot be efficiently dealt with by the entire Work Group.

At the most recent TAG meeting, some CALFED agency staff expressed concern that working with stakeholders outside of the public BDAC process might conflict with requirements of the Federal Advisory Committee Act (FACA). After some discussion, CALFED staff and consultants agreed to draft a proposal to outline the process for including stakeholders in the TAG discussions.

The process outlined below is intended to operate within the exceptions described in Section 101-6.1004 of the FACA regulations. Specifically, the discussions with the stakeholders would be for the purpose of: (1) obtaining the advice of individuals (not as a source for consensus advice or recommendations); (2) expressing the views of the individuals about specific issues (not as a recurring preferred source of advice or recommendations); and (3) gathering information, analyzing issues and facts, and assistance in drafting issue papers for use by the

BDAC Water Transfers Work Group, which in turn reports to a FACA chartered committee, the Bay Delta Advisory Committee (BDAC).

Process Steps

1. CALFED staff and consultants will revise the draft issue paper which define and explain the identified water transfer issues and possible solution options. (December)
2. CALFED will circulate the revised issue papers for review and comment by CALFED agency staff (TAG). (December)
3. CALFED staff and consultants will redraft the revised issue papers, as necessary, based on TAG review and comment. (December-January)
4. CALFED will distribute the revised issue papers to the BDAC Water Transfer Work Group and other interested stakeholders for review and comment on possible solution options. (January)
5. CALFED staff will identify stakeholders with special expertise, experience or interest in specific water transfer issues. (January)
6. CALFED staff will invite the identified stakeholders to meet with TAG to discuss a specific issue or set of issues. Alternatively, this could be one or more public meetings or workshops limited to discussion of specific issues. (January-February)
7. CALFED staff and consultants will incorporate Work Group and other stakeholder comments on solution options into the revised issue papers. (February)
8. CALFED will distribute the issue papers to the Work Group, with a set of solution options which can be considered in the policy discussion. (February - March)

I believe that this approach responds to the concerns raised and incorporates suggestions made by TAG members, avoids any possible FACA problem, and gets the issue papers out for public discussion in a timely manner. This approach, however, may not be consistent with the original TAG work plan and the schedule for the draft EIR/EIS. Should TAG give some consideration to what will be in the draft EIR/EIS on water transfers or is that an IDT job?